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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 THE BOARD OF TRUSTEES, in their
12 capacities as Trustees of the CEMENT
13 MASONS HEALTH AND WELFARE
14 TRUST FUND FOR NORTHERN
15 CALIFORNIA, CEMENT MASONS
16 PENSION TRUST FUND FOR NORTHERN
17 CALIFORNIA, CEMENT MASONS
18 VACATION/HOLIDAY TRUST FUND
19 FOR NORTHERN CALIFORNIA,
20 CEMENT MASONS APPRENTICESHIP
21 AND TRAINING TRUST FUND FOR
22 NORTHERN CALIFORNIA,

18 Plaintiff,

19 v.

20 DEBRUIN CONSTRUCTION, INC.,

21 Defendant.

No. 12-cv-05632 NC

**ORDER CONTINUING CASE
MANAGEMENT CONFERENCE;
AND ORDER TO SHOW CAUSE**

Re: Dkt. No. 8

23 This action was filed on November 2, 2012. Dkt. No. 1. Previously, plaintiffs asked
24 the Court to continue the initial case management conference set for February 6, 2013 with
25 ninety days to allow additional time to serve defendant. Dkt. No. 4. Plaintiffs asserted that
26 they had made “numerous attempts, at multiple locations, to serve Defendant” and that they
27 were “continuing to try to locate Defendant to complete service.” *Id.* The Court
28 continued the case management conference to April 24, 2013. Dkt. No. 6. Plaintiffs now

Case No. 12-cv-05632 NC
ORDER CONTINUING CMC
AND ORDER TO SHOW CAUSE

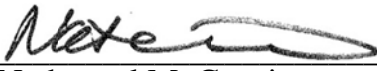
1 seek a further sixty-day continuance of the case management conference “to allow
2 Plaintiffs additional time to serve Defendant,” and make the same generalized assertions
3 regarding their attempts to serve defendant. Dkt. Nos. 8-9.

4 The initial case management conference is continued to June 26, 2013 at 10:00 a.m.
5 in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San Francisco,
6 California. The parties must submit a joint case management statement by June 19, 2013.

7 The Court further notes that Federal Rule of Civil Procedure 4(m) provides that if a
8 defendant is not served within 120 days after the complaint is filed, the court may dismiss
9 the action as to that defendant after notice to the plaintiff. More than 120 days have passed
10 since plaintiffs filed the complaint. Accordingly, in their case management statement, and
11 at the upcoming initial case management conference, plaintiffs must show cause why this
12 action should not be dismissed under Rule 4(m).

13 IT IS SO ORDERED.

14 Date: April 3, 2013

15 
Nathanael M. Cousins
United States Magistrate Judge